REMARKS

Claims 13 and 14 have been amended to recite a lower limit of the oxygen content of 7.4 wt %. Claims 13 and 14 have also been amended to recite an average particle size range of from 80 to 500 μm. Support for the amendments can be found, for example, in Example 9 and at page 18, line 20 of the present specification.

New claims 32 and 33 (lower limit) find support, for example, at page 20, lines 8-11 of the specification.

Entry of the above amendment is respectfully requested.

Initially, Applicants respectfully request the Examiner to return initialed Form PTO/SB/08 A & B (modified) for the Information Disclosure Statement filed February 27, 2006.

I. Response to Rejection of Claim 13 under 35 U.S.C. § 102(e)

Claim 13 is rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Habecker et al. (U.S. Patent No. 6,402,066; "Habecker '066").

Applicants respectfully traverse the rejection.

The present invention according to independent claim 13 recites a niobium granulated powder having an oxygen content of 7.4 to 10.2 % by mass. Although Habecker discloses niobium powder having an oxygen content of 36,840 ppm or 3.68 wt%, Habecker does not disclose the claimed amount of oxygen.

Hence, Habecker does not anticipate the present invention according to claim 13.

In addition, with an oxygen content range of 6% or lower, as described in Habecker, a capacitor thus obtained often has low resistance to pressure. In this regard, the Examiner's

attention is directed to Comparative Examples 1 (2.7 mass %) and 3 (2.6 mass %) of the present specification. Further, Habecker neither describes nor suggests that the higher the oxygen content, the better. Thus, one of ordinary skill in the art would not be motivated to increase the oxygen content of the niobium to arrive at the claimed amount.

In view of the above, withdrawal of the rejection is respectfully requested.

II. Response to Rejection of Claims 14, 16-18 and 20-25 under 35 U.S.C. § 103(a)

Claims 14, 16-18 and 20-25 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Habecker '066.

Applicants respectfully traverse the rejection.

The present invention according to claim 14 is a niobium powder for capacitors, having an average particle size of from 80 to 500 μm, which is a granulated powder having an oxygen content of 7.4 to 10.2 % by mass. As discussed above, Habecker does not teach or suggest the present invention according to claim 14 because Habecker does not disclose an oxygen content of 7.4 to 10.2 % by mass. In addition, there is no teaching in Habecker that would motivate one of ordinary skill in the art to increase the oxygen content to arrive at the claimed amount.

Additionally, although Habecker discloses an overlapping particle size of 80 μm (bridging cols. 12-13), the capacitance of a capacitor obtained with the particle size of 80 μm according to the present invention is much larger than that of a capacitor obtained with the same particle size in Habecker. The capacitance of Habecker with the particle size of 80 μm is believed to be smaller by several tens to one hundred times than that obtained in Examples of the present invention. Particles with a larger size would further lower the capacitance of the capacitors of

Habecker. The reason is that in Habecker, particles are obtained by crushing an ingot without granulation, and therefore, especially large particles (*e.g.,* 80 μm) are primary particles or at least close to primary particles. Particles merely agglomerated, which easily are disintegrated, can hardly form into a larger particle through agglomeration of fine particles.

In view of the above, it is respectfully submitted that Habecker fails to render the present invention according to claim 14 obvious.

Claims 16-18 and 20-25 depend, directly or indirectly, from claim 14. Thus, it is respectfully submitted that these claims are patentable for at least the same reasons as claim 14.

Furthermore, claims 19 and 26-27 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Habecker '066 in view of Habecker et al. (U.S. Patent No. 6,375,704; "Habecker '704") and WO 00/15555. Claims 19, 26 and 27 depend, directly or indirectly, from claim 14, and thus, it is respectfully submitted that these claims are patentable for at least the same reasons as claim 14.

For the foregoing reasons, withdrawal of the rejection is respectfully requested.

III. Response to Rejection of Claim 29 under 35 U.S.C. § 103(a)

Claim 29 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Habecker '066.

Without acquiescing in the merits of the rejection, claim 29 has been canceled. Thus, it is submitted that this rejection is moot, and withdrawal is respectfully requested.

IV. Separate Patentability of New Claims 32 and 33

New claims 32 and 33 which depend from claims 13 and 14, respectively, further characterize the niobium granulated powder as having an average particle size of from 100 to 500 μm, to thereby further distinguish over the Habecker et al. reference (which discloses classifying to 5 by 80 microns in an air classifier).

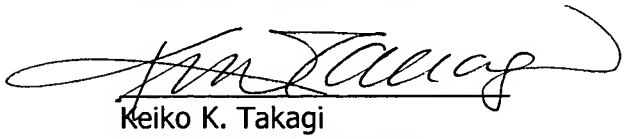
V. Conclusion

In view of the above, reconsideration and withdrawal of the §102 and §103 rejections, and allowance of claims 13, 14, 16-28, 32 and 33 are respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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